

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

Tucker White

Civ. No.

Plaintiff,

v.

NOTICE OF REMOVAL

Petro-Hunt Dakota, LLC,
Petro-Hunt, LLC, and Halliburton Energy
Services, Inc.,

Defendants.

NOTICE IS HEREBY GIVEN that the above-entitled action is removed from the District Court of McKenzie County in the Northwest Judicial District, State of North Dakota, to the United States District Court for the District of North Dakota, Western Division, pursuant to 28 U.S.C. § 1446(a) and 28 U.S.C. § 1441(a), on the following grounds:

1. Plaintiff Tucker White commenced an action in the McKenzie County District Court, Northwest Judicial District, State of North Dakota, by service of a Summons and Complaint on Defendants Petro-Hunt Dakota, LLC, and Petro-Hunt, LLC (referred to collectively herein as "Petro-Hunt"), on April 10, 2019, a copy of which is attached as Exhibit 1 and incorporated by reference herein. To the best knowledge, information and belief of Petro-Hunt, no further process, pleadings, or orders have been filed or served in this action.

2. The above-captioned matter is a civil action in which Plaintiff seeks monetary damages for personal injuries allegedly sustained during an accident that

occurred during his work at a well site allegedly owned or operated by Defendants. (See Ex. 1, Complaint).

3. Upon information and belief, Plaintiff is a natural person and a citizen of the State of Louisiana. (See Ex. 1, Complaint, ¶ 2).

4. Defendant Petro-Hunt Dakota, LLC, is a Texas limited liability company and its sole member is Petro-Hunt Holdings LLC. Petro-Hunt Holdings LLC is a Texas limited liability company and its sole member is the William Herbert Hunt Trust Estate. Defendant Petro-Hunt, LLC, is a Texas limited liability company and its sole member is Petro-Hunt Holdings LLC. Petro-Hunt Holdings LLC is a Texas limited liability company and its sole member is the William Herbert Hunt Trust Estate. The William Herbert Hunt Trust Estate is a citizen of Texas. The William Herbert Hunt Trust Estate is not a citizen of the state of North Dakota and it is not a citizen of the state of Louisiana. Accordingly, Petro-Hunt Dakota LLC, and Petro-Hunt LLC are citizens of the state of Texas, and Petro-Hunt Dakota LLC, and Petro-Hunt LLC are not citizens of the state of North Dakota, and they are not citizens of the state of Louisiana. See *Onepoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007) (a limited liability company's citizenship is the citizenship of each of its members).

5. Defendant Halliburton Energy Services, Inc., is a corporation organized under the laws of Delaware, with its principal place of business in the State of Texas. Therefore, Halliburton is a citizen of the State of Texas and the State of Delaware.

6. None of the Defendants are a citizen of the State of Louisiana, so diversity of citizenship exists. 28 U.S.C. § 1332(a).

7. Plaintiff alleges that he has suffered permanent physical and emotional damages and seeks to recover damages for past physical pain, past and future mental anguish, past and future loss of earning capacity, past and future physical impairment, and past and future disfigurement. Plaintiff does not itemize his alleged damages, but seeks damages in excess of seventy-five thousand dollars (\$75,000.00). (Complaint, ¶ 25).

8. Therefore, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1446(c)(2).

9. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over this action because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. Petro-Hunt was served on April 10, 2019. Removal of this action is therefore timely, because this notice is being filed within thirty days of the date Defendants received a copy of the initial pleadings in this case by service or otherwise, pursuant to 28 U.S.C. § 1446(b)(1).

11. Halliburton Energy Services, Inc. has consented to the removal of this action, so the requirement that all defendants consent to the removal of this action has been satisfied, pursuant to 28 U.S.C. § 1446(b)(2)(A).

12. Removal of this case to the United States District Court for the District of North Dakota is proper, because the District of North Dakota is the district embracing the place where the action is pending, pursuant to 28 U.S.C. § 1441(a).

13. Removal of this case is proper pursuant to 28 U.S.C. § 1441(b)(2), because no Defendant is a citizen of the state of North Dakota.

14. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal has been promptly served on the Clerk of the McKenzie County District Court, Northwest Judicial District, State of North Dakota, and on plaintiff's attorneys.

15. By filing this Notice of Removal, Defendant does not waive any of its affirmative defenses, including but not limited to its right to move to dismiss for lack of personal jurisdiction, improper process, improper service of process, improper venue, failure to state a claim upon which relief can be granted, or failure to join all necessary parties.

16. Defendant reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendants remove this action from the District Court for McKenzie County, State of North Dakota, to the United States District Court for the District of North Dakota, and that all further proceedings in this action be held before this Court.

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